

hunting, fishing or camping on the enclosed land of another without the consent of the owner; providing that this act shall not apply to any enclosed lands which are leased or rented for hunting, fishing or camping privileges for a greater sum than 25 cents per acre per annum or where the owner, his agent or representative, has charged more than \$4 per day per person for the privilege of hunting thereon; providing for a penalty for the violation thereof, and providing for the arrest of such persons; repealing Article 1378 of the Penal Code of the State of Texas, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

HARRISON, Acting Chairman.

Committee Room,
Austin, Texas, June 20, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 163, A bill to be entitled "An Act providing for the open season on squirrels in certain counties; providing penalty, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

THIRTEENTH DAY.

(Wednesday, June 26, 1929.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Cox of Navarro.
Acker.	Cox of Lamar.
Ackerman.	Cox of Limestone.
Adkins.	Davis.
Albritton.	DeWolfe.
Anderson.	Dunlap.
Avis.	Duvall.
Baker.	Enderby.
Barnett.	Ewing.
Bateman.	Eickenroht.
Beck.	Finn.
Bond.	Finlay.
Bounds.	Forbes.
Bradley.	Gates.
Brice.	Gerron.
Brooks.	Gilbert.
Carpenter.	Giles.
Chastain.	Graves
Coltrin.	of Williamson.
Conway.	Graves of Erath.

Hardy.	Palmer.
Harding.	Patterson.
Harman.	Pavlica.
Harper.	Petsch.
Harrison.	Pool.
Heaton.	Pope of Jones.
Hefley.	Pope of Nueces.
Hines.	Purl.
Hogg.	Quinn.
Holder.	Ray.
Hopkins.	Reader.
Hornaday.	Renfro.
Hubbard.	Richardson.
Johnson	Rogers.
of Dimmit.	Rountree.
Johnson of Smith.	Sanders.
Johnson of Scurry.	Savage.
Justiss.	Shaver.
Kayton.	Shelton.
Keeton.	Sherrill.
Keller.	Shipman.
Kemble.	Simmons.
Kennedy.	Sinks.
Kenyon.	Snelgrove.
Kincaid.	Speck.
King.	Stephens.
Lee.	Stevenson.
Long of Houston.	Storey.
Loy.	Tarwater.
Mankin.	Thompson.
Martin.	Thurmond.
Mauritz.	Tillotson.
Maynard.	Turner.
McCombs.	Van Zandt.
McDonald.	Veatch.
McGill.	Waddell.
McKean.	Wallace.
Mehl.	Walters.
Metcalf.	Warwick.
Minor.	Webb.
Montgomery.	White.
Moore.	Wiggs.
Mosely.	Williams
Mullally.	of Sabine.
Murphy.	Williams
Negley.	of Travis.
Nicholson.	Woodall.
Olsen.	Woodruff.
O'Neill.	Young.

Absent

Baldwin.	Long of Wichita.
Kinnear.	Smith.
Land.	

Absent—Excused.

Fuchs.	Prendergast.
Jenkins.	Reid.
Jones.	Strong.
Lemens.	Westbrook.
Marks.	Williams
Morse.	of Hardin.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Morse for today, on motion of Mr. Hardy.

Mr. Fuchs for today, on motion of Mr. Shelton.

Mr. Westbrook for last Monday, Tuesday and today, on motion of Mr. Harman.

Mr. Marks for today, on motion of Mr. Cox of Limestone.

The following members were granted leaves of absence on account of illness:

Mr. Strong for today on account of illness in family, on motion of Mr. Palmer.

Mr. Lemens for yesterday and today, on motion of Mr. Giles.

Mr. Prendergast for today and the balance of the session, on motion of Mr. Hines.

Mr. Harding for yesterday, on motion of Mr. Finn.

Mr. Williams of Hardin for last Monday, Tuesday, today and the balance of the session, on motion of Mr. Harman.

Mr. Jones for today, on motion of Mr. Bateman.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Mauritz, House bill No. 207 was ordered not printed.

On motion of Mr. Gates, House bill No. 186 was ordered not printed.

On motion of Mr. Nicholson, Senate bill No. 52 was ordered not printed.

On motion of Mr. McGill, Senate bill No. 175 was ordered not printed.

On motion of Mr. Pope of Jones, Senate bill No. 133 was ordered not printed.

On motion of Mr. Coltrin, House bill No. 206 was ordered not printed.

REMARKS BY HON. C. M. CURETON.

Mr. Gilbert asked unanimous consent of the House to have the following remarks printed in the Journal:

(Excerpt from speech of C. M. Cureton, Chief Justice of the Supreme Court of Texas, at San Jacinto Battle Ground, in the fall of 1928, and at Austin.)

The Journal of the Constitutional Convention held in 1875, and which framed our present Constitution, adopted in 1876, shows that one of the serious questions which challenged the attention of the convention was the

framing of the judiciary article of the Constitution so as to relieve the then congested condition of the docket of the Supreme Court, as well as other courts. Various solutions were offered, some advocating a membership of three judges, some of five, and some of six for the Supreme Court. In a minority report presented to the convention, signed by John H. Reagan, C. B. Kilgore, Marion Martin, and P. R. Scott, it was stated that the objections to the then existing judiciary system, more probably than those of any other part of the then existing Constitution, induced the people to vote the call for a constitutional convention. They urged among the principal grounds of objection to the then existing judiciary system that the dockets of the Supreme Court and District Courts were so crowded with petty cases as to impair their usefulness. This minority of the committee, headed by Judge Reagan, submitted a plan for a Supreme Court consisting of a Chief Justice and four Associates. Other minority and majority reports of the Judiciary Committee of the convention evidence the crowded condition of the dockets of the Supreme Court, and various suggestions were made. The one finally adopted was a Supreme Court of three Judges, with jurisdiction outlined in the Constitution, and the Court of Appeals, having jurisdiction of criminal cases and certain classes of civil cases.

The courts began to function under the Constitution of 1876, but the relief expected from the new system was found not to exist, either because of the increase in the population and wealth of the State, or because the system itself was in its inception inadequate. Be that as it may, the Legislature at its called session in 1879 created a Commission of Appeals similar to that now existing, providing for three judges as constituting the Commission. This law with various modifications continued down to 1891, when the several acts were amended and two Commissions of Appeal, consisting of three judges each, were created, and functioned until the constitutional amendment of 1892, which was adopted and made effective by legislative act.

The constitutional amendment of 1892 provided for a Supreme Court of three judges, as it had existed since 1876—for a Court of Criminal Appeals, with exclusive criminal jurisdiction, and gave the Legislature power to create Courts of Civil Appeals. Three Courts of Civil

Appeals were created, and on October 1, 1892, all causes on the docket of the Supreme Court were transferred to the Courts of Civil Appeals. There were 1239 cases. It will thus be seen that although the Supreme Court of the State had operated from 1876 down, with the assistance during a portion of the time of a Court of Appeals, exercising both civil and criminal jurisdiction, and with the assistance of a Commission of Appeals of three judges, and finally of two Commissions of Appeals, it had nevertheless fallen behind in its business some 1239 cases.

From October 1, 1892, to October 1, 1918, a period of 26 years, the State operated under a system having a Supreme Court of three judges and various Courts of Civil Appeals created under the constitutional power granted in the amendment of 1892.

On October 1, 1918, the present Commission of Appeals system, with two Commissions of Appeals, composed of three judges each, was placed in operation. The reason for this was that at that time the Supreme Court was behind on its cause docket some 460 cases. The State has been operating under the present system, with a Supreme Court of three judges and the two Commissions of Appeals, for a period of ten years to October 1, 1928, and the Court on October 1, 1928, had on its own docket and on the dockets of the Commissions of Appeals 125 causes undisposed of and some 438 applications for writs of error.

The increase in the business of the Supreme Court may be shown by considering the time since 1892, when the writ of error system and the present system were adopted, down to October 1, 1928. During the first ten years, from 1892 to 1902, there were 3545 applications for writs of error filed, or an average of 354 per year. During the ten year period from 1902 to 1912 there were 4398 applications filed, or an average of 439 per year. During the ten year period from October, 1912, to October 1, 1922, there were filed 4770 applications, or an average of 477 per year. During the six year period from October 1, 1922, to October 1, 1928, there were filed 3651 applications, or an average of 608 each year. During the last two years, from October 1, 1926, to October 1, 1928, there were filed 1412 applications, or an average of 706 per year. As a matter of fact, 747 of these applications were presented for action to the Supreme Court during the year ending October 1, 1928. The system of

presenting applications for writs of error on the date mentioned had been in effect 36 years, during which time the total number filed was 16,364; and of this number nearly 800 were filed during last year. These figures illustrate the enormous increase in the business of the Supreme Court.

During the ten year period from 1892 to 1902 there were 1141 cases placed upon the cause docket of the Supreme Court; these causes originating from writs of error and original cases, such as mandamus, in the Supreme Court itself. This means that the average number of cases per year placed upon the docket of the Supreme Court for that ten year period was 114. During the next ten year period there were placed upon the docket of the Court 1320 causes, or an average of 132 per year. During the next ten year period, from 1912 to 1922, there were placed upon the docket of the Supreme Court 1366 causes, or an average of 136 per year. During the six year period from October 1, 1922, to October 1, 1928, there were placed upon the docket of the Supreme Court 1309 cases, or an average of 218 per year.

From October 1, 1892, to October 1, 1918, a period of 26 years, the Supreme Court actually disposed of 2674 cases, or an average of 103 cases per year. From October 1, 1918, to October 1, 1928, a ten year period, the Supreme Court, with the aid of the Commission, disposed of 2337 cases, nearly as many cases as had been previously disposed of in 26 years—giving an average of 233 cases per year. This year we have already disposed of more than 280 cases, and the number will reach or exceed 300 by the end of the term. From October 1, 1928, to June 12, 1929, the Supreme Court has passed upon 804 applications for writs of error. We have examined and entered judgments on 278 cases passed upon by the Commissions of Appeals, and will likely dispose of a sufficient number to make the aggregate 300 before the term ends. Up to the present time we have passed on 507 motions of various kinds; which number will be considerably increased by the end of the present term.

The figures given may not be absolutely accurate, but they are sufficiently so for all practical purposes, and plainly illustrate the enormous increase in the business of the Supreme Court, due, of course, to the development of the State, its increase in population, and all those things which go to produce litigation.

A casual examination of the figures given will show that the business of the Supreme Court is substantially three times as great as it was in 1892, when the present appellate system was inaugurated.

In so far as the judges of the Supreme Court themselves are concerned, it must be borne in mind that they pass upon all applications for writs of error in conference around the consultation table; that the same thing is true of all cases in which opinions are written by the Commissions of Appeals, and of all motions of every character which go either before the Commissions of Appeals or the Court itself. In fact, from an actual consideration of the work done, more than three-fourths of the time of the Supreme Court is taken up on the application docket, examining opinions from the Commissions of Appeals, and passing upon motions. For some six years up to the present time the number of orders entered by the Supreme Court, which required the joint action of the judges, ranged from 1100 to 1360 per year. This year we have already entered more than 1589 orders and judgments, which required and received consideration in conference at the consultation table. It is quite unnecessary to say that the enormous volume of work which must pass over the consultation table under the present system almost destroys the ability of the Supreme Court to do that for which it was primarily organized, to-wit, to write opinions of its own on cases before it.

TO GRANT W. C. DAVIS PERMISSION TO SUE STATE.

The Speaker laid before the House, for consideration at this time, Senate concurrent resolution No. 5, To grant W. C. Davis permission to sue the State, the resolution having heretofore been read second time.

Mr. McCombs raised a point of order on further consideration of the resolution on the ground that it is not in order to grant permission to sue State by a resolution; it must be done by a law.

The Speaker sustained the point of order.

RELATIVE TO ESTABLISHING CEMENT PLANTS.

Mr. Pope of Nueces offered the following resolution:

H. C. R. No. 10, Proposing that it shall be the policy of the State to

erect and maintain cement plants throughout the State of Texas for the manufacturing cement to be used in the building highways throughout the State.

Section 1. Whereas, In various sections of Texas there is unlimited supply of material suitable for the manufacture of high grade cement, which can be cheaply converted into building material for highways, as will very materially lessen the cost of building and maintaining highways through the State.

Sec. 2. Whereas, The establishment of cement plants by the State will give employment to free labor and at same time provide an avenue or means by which convict labor may be profitably used in these plants.

Sec. 3. Whereas, There is being paid annually several millions of dollars of public funds in the purchase of cement in the building of highways throughout the State, which, under the system now in vogue, is an unnecessary burden upon the taxpayers of the State.

Sec. 4. Therefore, be it resolved by the House of Representatives of the Forty-first Legislature, the Senate concurring, That it shall be the policy of this State to acquire, maintain and operate State owned cement plants throughout the State for the manufacture of cement in the building of State highways as well for any public buildings in cities, towns, villages and counties of the State, and that the State Highway Commission in conjunction with the Prison Board of the State Penitentiary shall investigate and file with the Governor of this State within sixty days after adjournment of the Legislature their report showing the cost of installing sufficient plants for public needs in the building of highways, together with estimate of costs of cement which can be manufactured by State owned plants, and the price now being paid for cement, together with such other information and recommendation said boards may desire to make looking towards the manufacture of cement by the State.

The resolution was read second time.

Mr. Tillotson moved that the resolution be referred to the Committee on State Affairs.

Mr. Woodruff raised the point of order that the hour granted to the Committee of the Whole House to sit again has arrived.

The Speaker sustained the point of order.

COMMITTEE OF THE WHOLE HOUSE.

The House then, accordingly, at 10 o'clock a. m., resolved itself into a Committee of the Whole House, Mr. Barron being called to the chair.

(In Committee of the Whole House, Mr. Barron in the chair.)

IN THE HOUSE.

(Mr. Barron in the chair.)

At 11:45 o'clock a. m. Mr. Barron, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress and ask leave to sit again at 2 o'clock p. m.

The report was adopted.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 1.

The House resumed consideration of pending business, same being conference committee report on House bill No. 1, with motion by Mr. Snelgrove that the report be adopted and motion by Mr. Van Zandt that the report be not adopted, pending.

Question recurring on the motion by Mr. Van Zandt that the report be not adopted, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—40.

Adkins.	Kincaid.
Albritton.	King.
Avis.	Mankin.
Bond.	McGill.
Bounds.	McKean.
Brice.	Negley.
Carpenter.	Petsch.
DeWolfe.	Pool.
Enderby.	Pope of Jones.
Ewing.	Quinn.
Forbes.	Shaver.
Gates.	Sinks.
Giles.	Tarwater.
Graves	Van Zandt.
of Williamson.	Veatch.
Hardy.	Walters.
Harding.	Warwick.
Harrison.	Webb.
Hogg.	White.
Hubbard.	Woodall.
Kemble.	

Nays—67.

Mr. Speaker.	Bradley.
Acker.	Brooks.
Ackerman.	Chastain.
Anderson.	Coltrin.
Baker.	Conway.
Barnett.	Cox of Lamar.
Bateman.	Cox of Limestone.

Davis.	Moore.
Finn.	Mosely.
Finlay.	Mullally.
Gerron.	Murphy.
Gilbert.	Olsen.
Graves of Erath.	Palmer.
Harper.	Patterson.
Heaton.	Purl.
Hefley.	Ray.
Holder.	Reader.
Hopkins.	Renfro.
Hornaday.	Richardson.
Johnson	Savage.
of Dimmit.	Sherrill.
Johnson of Smith.	Shipman.
Johnson of Scurry.	Simmons.
Justiss.	Snelgrove.
Keeton.	Speck.
Kennedy.	Stephens.
Kenyon.	Storey.
Lee.	Thompson.
Long of Houston.	Thurmond.
Loy.	Turner.
Martin.	Williams
Mauritz.	of Sabine.
McDonald.	Woodruff.
Mehl.	Young.
Metcalf.	

Present—Not Voting.

Beck.	Williams
Maynard.	of Travis.

Absent

Baldwin.	Nicholson.
Cox of Navarro.	O'Neill.
Dunlap.	Pavlica.
Duvall.	Pope of Nueces.
Eickenroht.	Rogers.
Harman.	Rountree.
Hines.	Sanders.
Kayton.	Shelton.
Keller.	Smith.
Kinnear.	Stevenson.
Land.	Tillotson.
Long of Wichita.	Waddell.
McCombs.	Wallace.
Minor.	Wiggs.
Montgomery.	

Absent—Excused.

Fuchs.	Prendergast.
Jenkins.	Reid.
Jones.	Strong.
Lemens.	Westbrook.
Marks.	Williams
Morse.	of Hardin.

Question then recurring on the motion by Mr. Snelgrove that the report be adopted, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—106.

Mr. Speaker.	Long of Houston.
Acker.	Loy.
Ackerman.	Martin.
Adkins.	Mauritz.
Albritton.	Maynard.
Anderson.	McDonald.
Baker.	McGill.
Barnett.	Mehl.
Bateman.	Metcalf.
Beck.	Moore.
Bond.	Mosely.
Bradley.	Mullally.
Brice.	Murphy.
Brooks.	Negley.
Carpenter.	Olsen.
Chastain.	Palmer.
Coltrin.	Patterson.
Conway.	Pope of Jones.
Cox of Lamar.	Pope of Nueces.
Cox of Limestone.	Purl.
Davis.	Quinn.
DeWolfe.	Ray.
Dunlap.	Reader.
Enderby.	Renfro.
Ewing.	Richardson.
Finn.	Rogers.
Finlay.	Rountree.
Forbes.	Savage.
Gates.	Shaver.
Gerron.	Sherrill.
Gilbert.	Shipman.
Giles.	Simmons.
Graves of Erath.	Sinks.
Harding.	Snelgrove.
Harper.	Speck.
Harrison.	Stephens.
Heaton.	Storey.
Hefley.	Tarwater.
Hines.	Thompson.
Holder.	Thurmond.
Hopkins.	Turner.
Hornaday.	Van Zandt.
Hubbard.	Veatch.
Johnson	Wallace.
of Dimmit.	Walters.
Johnson of Smith.	Warwick.
Johnson of Scurry.	Webb.
Justiss.	White.
Kayton.	Williams
Keeton.	of Sabine.
Kemble.	Williams
Kennedy.	of Travis.
Kincaid.	Woodall.
King.	Woodruff.
Lee.	Young.

Nays—7.

Avis.	Hardy.
Bounds.	Mankin.
Graves	McKean.
of Williamson.	Petsch.

Absent

Baldwin.	Duvall.
Cox of Navarro.	Eickenroht.

Harman.	O'Neill.
Hogg.	Pavlica.
Keller.	Pool.
Kenyon.	Sanders.
Kinnear.	Shelton.
Land.	Smith.
Long of Wichita.	Stevenson.
McCombs.	Tillotson.
Minor.	Waddell.
Montgomery.	Wiggs.
Nicholson.	

Absent—Excused.

Fuchs.	Prendergast.
Jenkins.	Reid.
Jones.	Strong.
Lemens.	Westbrook.
Marks.	Williams
Morse.	of Hardin.

CONFERENCE COMMITTEE REPORT
ON SENATE BILL NO. 49.

Mr. Graves of Williamson called up for consideration at this time the following conference committee report on Senate bill No. 49:

Committee Room,
Austin, Texas, June 25, 1929.

Hon. Barry Miller, Lieutenant Governor, Senate of Texas, and Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, your free conference committee on

S. B. No. 49, A bill to be entitled "An Act providing for the Board of Prison Commissioners to make recommendations to the Legislature of this State regarding the possible concentration and relocation of the prison system of Texas, and defining the personnel, powers, and duties of said Prison Commissioners, and providing for the publication of the findings and recommendations of said Prison Commissioners, and appropriating the sum of twenty-five thousand dollars for the expenses of said Prison Commissioners and for the expenses and compensation of its employees, and declaring an emergency,"

Have had same under consideration and beg leave to report same back to the Legislature with the following amendments to Senate bill No. 49, as amended by the House:

Section 3 of said bill is amended to hereafter read as follows:

"Sec. 3. That it is the intention of this act that the Commission ascertain, first, the type of prison system best suited to the requirements of this State

and the equipment and facilities therefor, and in the event the Commission, after making a careful survey of the present-owned properties, find that it is impracticable to locate a new centralized penitentiary system on any of said lands, then, in that event, the Commission shall be authorized to make a survey of any other land in the State and shall then recommend to the Legislature the most feasible and advantageous location or locations for such system, and that the report of said Commission shall further contain all other information, findings and recommendations relative to the prison system which said Commission shall deem of value to the Legislature."

Section 5 of said bill is amended to hereafter read as follows:

"Sec. 5. That said Commission shall first carefully consider the feasibility and advisability of concentrating the prison system of this State upon lands now owned by this State and used in the operation of the present penitentiary system; but if after such consideration it is deemed that it will be for the best interest of the State to select a site elsewhere in the State, the Prison Commissioners will make its report and recommendations accordingly. That said Commission shall supply accurate data as to each tract of land so owned being considered as a possible site for the prison system, including the cost of any and all reclamation, drainage, terracing and other operation necessary in order to render said tracts of land available for the establishment thereon of the prison system contemplated herein. That included in such data there shall be information as to railroad and transportation facilities and rates, and of conditions affecting sanitation and health of those living thereon. If the Prison Commissioners recommend a site elsewhere, the same information is desired for the purpose of comparison."

Section 7 of said bill is amended to hereafter read as follows:

"Sec. 7. That said Commission shall proceed to carry out its duties of investigation and relocation with all practicable speed and shall compile its complete report for submission to the Forty-second Legislature or any special session convened prior to that time, and that said report shall be completed, printed and available not later than December 1st, 1929. That of this report as many copies shall be printed as the Commission may deem advisable,

provided that at least one complete copy shall be furnished to each member of the Legislature, and that said report as furnished to the members of the Legislature shall contain such statements, maps, plats, drawings and other data as may be deemed of value to the Legislature in judging the proposals and recommendation of said Commission."

And your committee recommends that said Senate bill No. 49, with the above amendments, be adopted.

DeBERRY,
HOLBROOK,
CUNNINGHAM,
BERKELEY,
McFARLANE,

On the Part of the Senate.

GRAVES,
GILBERT,
STEVENSON,
KING,
LOY,

On the Part of the House.

On motion of Mr. Graves of Williamson, the report was adopted by the following vote:

Yeas—117.

Mr. Speaker.	Graves of Erath.
Acker.	Hardy.
Ackerman.	Harding.
Adkins.	Harman.
Albritton.	Harper.
Anderson.	Harrison.
Avis.	Heaton.
Baker.	Hefley.
Barnett.	Hines.
Bateman.	Holder.
Beck.	Hopkins.
Bond.	Hornaday.
Bounds.	Hubbard.
Brice.	Johnson
Brooks.	of Dimmit.
Carpenter.	Johnson of Smith.
Chastain.	Johnson of Scurry.
Coltrin.	Justiss.
Conway.	Keeton.
Cox of Lamar.	Kemble.
Cox of Limestone.	Kennedy.
DeWolfe.	Kenyon.
Dunlap.	Kincaid.
Enderby.	King.
Ewing.	Lee.
Finn.	Long of Houston.
Finlay.	Loy.
Forbes.	Mankin.
Gates.	Martin.
Gerron.	Mauritz.
Gilbert.	Maynard.
Giles.	McDonald.
Graves	McGill.
of Williamson.	McKean.

Mehl.	Sherrill.
Metcalfe.	Shipman.
Minor.	Simmons.
Montgomery.	Sinks.
Moore.	Snelgrove.
Mosely.	Speck.
Mullally.	Stephens.
Murphy.	Stevenson.
Negley.	Storey.
Olsen.	Tarwater.
Palmer.	Thompson.
Patterson.	Thurmond.
Petsch.	Turner.
Pool.	Van Zandt.
Pope of Jones.	Veatch.
Pope of Nueces.	Wallace.
Purl.	Walters.
Quinn.	Warwick.
Ray.	Webb.
Reader.	Williams
Renfro.	of Sabine.
Richardson.	Williams
Rogers.	of Travis.
Rountree.	Woodall.
Sanders.	Woodruff.
Savage.	Young.
Shaver.	

Absent

Baldwin.	Long of Wichita.
Bradley.	McCombs.
Cox of Navarro.	Nicholson.
Davis.	O'Neill.
Duvall.	Pavlica.
Eickenroht.	Shelton.
Hogg.	Smith.
Kayton.	Tillotson.
Keller.	Waddell.
Kinnear.	White.
Land.	Wiggs.
Lemens.	

Absent—Excused.

Fuchs.	Reid.
Jenkins.	Strong.
Jones.	Westbrook.
Marks.	Williams
Morse.	of Hardin.
Prendergast.	

HOUSE BILL NO. 193 ON SECOND READING.

On motion of Mr. Bradley, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 193, A bill to be entitled "An Act to amend Article 7298, Revised Statutes, 1925, and to prevent delinquent taxpayers from pleading statute of limitation by way of defense against the payment of any taxes due from him or her either to the State or any county, city, town, navigation district, drainage

district, irrigation district, independent school district and all other districts, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

HOUSE BILL NO. 193 ON THIRD READING.

Mr. Bradley moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 193 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106.

Mr. Speaker.	Johnson of Scurry.
Acker.	Justiss.
Ackerman.	Kemble.
Adkins.	Kenyon.
Albritton.	Kincaid.
Anderson.	Lee.
Avis.	Long of Houston.
Baker.	Loy.
Bateman.	Mankin.
Beck.	Martin.
Bounds.	Mauritz.
Bradley.	Maynard.
Brice.	McDonald.
Brooks.	McGill.
Carpenter.	McKean.
Chastain.	Mehl.
Coltrin.	Metcalfe.
Conway.	Minor.
Cox of Lamar.	Montgomery.
Cox of Limestone.	Moore.
DeWolfe.	Mosely.
Dunlap.	Mullally.
Duvall.	Murphy.
Enderby.	Negley.
Ewing.	Olsen.
Finn.	Patterson.
Finlay.	Petsch.
Forbes.	Pope of Jones.
Gates.	Pope of Nueces.
Gerron.	Purl.
Gilbert.	Quinn.
Giles.	Ray.
Graves of Erath.	Reader.
Hardy.	Renfro.
Harman.	Richardson.
Harper.	Rogers.
Harrison.	Sanders.
Heaton.	Savage.
Hines.	Shaver.
Hogg.	Sherrill.
Holder.	Shipman.
Hopkins.	Simmons.
Hornaday.	Sinks.
Hubbard.	Snelgrove.
Johnson	Stevenson.
of Dimmit.	Tarwater.
Johnson of Smith.	Thompson.

Thurmond.	Williams	Heaton.	Patterson.
Tillotson.	of Sabine.	Hines.	Petsch.
Turner.	Williams	Hogg.	Pope of Jones.
Veatch.	of Travis.	Holder.	Purl.
Wallace.	Woodall.	Hopkins.	Quinn.
Walters.	Woodruff.	Hornaday.	Ray.
Warwick.	Young.	Hubbard.	Reader.
Webb.		Johnson	Renfro.

Nays—2.

Bond.	Kennedy.
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Absent

Baldwin.	McCombs.
Barnett.	Nicholson.
Cox of Navarro.	O'Neill.
Davis.	Palmer.
Eickenroht.	Pavlica.
Graves	Pool.
of Williamson.	Rountree.
Harding.	Shelton.
Hefley.	Smith.
Kayton.	Speck.
Keeton.	Stephens.
Keller.	Storey.
King.	Van Zandt.
Kinnear.	Waddell.
Land.	White.
Lemens.	Wiggs.
Long of Wichita.	

Absent—Excused.

Fuchs.	Reid.
Jenkins.	Strong.
Jones.	Westbrook.
Marks.	Williams
Morse.	of Hardin.
Prendergast.	

The Speaker then laid House bill No. 193 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—105.

Mr. Speaker.	Cox of Limestone.
Acker.	DeWolfe.
Ackerman.	Dunlap.
Adkins.	Duvall.
Albritton.	Enderby.
Anderson.	Ewing.
Avis.	Finn.
Baker.	Forbes.
Barnett.	Gates.
Bateman.	Gerron.
Beck.	Gilbert.
Bounds.	Giles.
Bradley.	Graves
Brooks.	of Williamson.
Carpenter.	Graves of Erath.
Chastain.	Hardy.
Coltrin.	Harman.
Conway.	Harper.
Cox of Lamar.	Harrison.

Johnson of Dimmit.	Richardson.
Johnson of Smith.	Rogers.
Johnson of Scurry.	Sanders.
Justiss.	Savage.
Kemble.	Shaver.
Kennedy.	Sherrill.
Kenyon.	Shipman.
Kincaid.	Simmons.
Lee.	Sinks.
Long of Houston.	Stevenson.
Loy.	Tarwater.
Mankin.	Thompson.
Martin.	Thurmond.
Mauritz.	Tillotson.
Maynard.	Turner.
McDonald.	Veatch.
McGill.	Wallace.
McKean.	Walters.
Mehl.	Warwick.
Minor.	Webb.
Montgomery.	Williams
Moore.	of Sabine.
Mosely.	Williams
Mullally.	of Travis.
Murphy.	Woodall.
Negley.	Woodruff.
Olsen.	Young.
Palmer.	

Present—Not Voting.

Brice.

Absent

Baldwin.	Metcalfe.
Bond.	Nicholson.
Cox of Navarro.	O'Neill.
Davis.	Pavlica.
Eickenroht.	Pool.
Finlay.	Pope of Nueces.
Harding.	Rountree.
Hefley.	Shelton.
Kayton.	Smith.
Keeton.	Snelgrove.
Keller.	Speck.
King.	Stephens.
Kinnear.	Storey.
Land.	Van Zandt.
Lemens.	Waddell.
Long of Wichita.	White.
McCombs.	Wiggs.

Absent—Excused.

Fuchs.	Reid.
Jenkins.	Strong.
Jones.	Westbrook.
Marks.	Williams
Morse.	of Hardin.
Prendergast.	

HOUSE BILL NO. 95 ON PASSAGE
TO ENGROSSMENT.

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 95, A bill to be entitled "An Act further regulating the operation of vehicles on the public highways; limiting the size and weight of vehicles and loads permitted on any public highway; requiring lights on certain vehicles not heretofore by law required to carry lighting equipment; restricting the stopping or parking of a vehicle on the improved portion of a highway; providing for the erection and maintenance of signs or markers on the State highways; prescribing restrictions regarding the speed of any vehicle; prescribing penalties for violations of this act; providing for appointment of inspectors to enforce the provisions of this act and other laws relating to vehicles and traffic on the public highway; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill having heretofore been read second time.

Mr. Beck offered the following amendments to the bill:

(1)

Amend House bill No. 95, page 3, line 10, by changing the figures "14,000" to "16,000."

(2)

Amend House bill No. 95, page 4, line 39, by striking out the word "designated" and substituting the word "designed."

(3)

Amend House bill No. 95, page 25, by changing the word "paced" to "paved" and make the same change in line 27, same page.

The amendments were severally adopted.

ADDRESS BY HON. ROY STOUT.

Mr. Kemble offered the following resolution:

Whereas, Hon. "Shorty" Stout, county judge of Ellis county, is now on the floor of the House; and

Whereas, "Shorty" is a recognized authority on maternity and infancy; now therefore be it

Resolved by the House, That he be

invited to address the House on the Sheppard-Towner Act.

Signed—Hopkins, Murphy, Kemble, McCombs, Long.

The resolution was read second time and was adopted.

In accordance with the above action, Speaker Barron presented Mr. Stout to the House.

Mr. Stout then addressed the House.

RECESS.

On motion of Mr. Woodall, the House, at 12:10 o'clock p. m., took recess to 1:45 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 1:45 o'clock p. m., and was called to order by Speaker Barron.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, June 26, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 69, A bill to be entitled "An Act creating the office of criminal district attorney in each county of this State in which there is a separate judicial district composed of said county only, in which judicial district there is not now a district attorney serving said separate judicial district, etc., and declaring an emergency."

S. B. No. 185, A bill to be entitled "An Act to amend Articles 2463 and 2465 of subdivision 1, of Title 46, of the Revised Civil Statutes of the State of Texas, 1925, as amended by Chapter 17, of the General Laws passed at the Regular Session of the Forty-first Legislature, and also amending Article 2484 of subdivision 1, of Title 46, Revised Civil Statutes of the State of Texas, 1925, relating to credit unions, and declaring an emergency."

S. B. No. 149, A bill to be entitled "An Act providing for the payment of expenses of trial by jury in civil cases by the counties in which said cases are filed, except when such cases are transferred upon pleas of privilege, and declaring an emergency."

Has adopted the free conference committee report on Senate bill No. 49, by a two-thirds vote of 26 yeas and 0 nays.

Has passed:

H. B. No. 163, A bill to be entitled "An Act providing for the open season on squirrels in certain counties; providing penalty, and declaring an emergency," with amendment.

H. B. No. 167, A bill to be entitled "An Act amending Session Acts of the Forty-first Legislature, Chapter 314, the same being the regulation of motor carriers transporting property over public highways, so as to provide for cancellation of insurance policies on property insured under said act, and declaring an emergency," with amendment.

S. B. No. 156, A bill to be entitled "An Act fixing the compensation of county auditors in every county having a population of not less than 15,975 and not more than 16,300 according to the 1920 United States census and prescribing how same shall be paid; providing that such shall be the salary of said auditors so long as the taxable values in the county shall not exceed the sum of fifteen million dollars for the next preceding year; commissioners court fixing said salary when said taxable values are less than said sum; and declaring an emergency."

S. B. No. 169, A bill to be entitled "An Act to amend Article 7298, Revised Statutes of 1925, and to prevent delinquent taxpayers from pleading statute of limitation by way of defense against the payment of any taxes due from him or her either to the State, county, city, etc., and declaring an emergency."

S. B. No. 174, A bill to be entitled "An Act amending subdivision 22 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, providing for changing terms and times of holding courts in the Twenty-second Judicial District of Texas, etc., and declaring an emergency."

S. B. No. 191, A bill to be entitled "An Act authorizing counties of a certain class according to population to lease any county hospital of said county to be operated as a county hospital by the lessee; prescribing regulations relating to said subject; and declaring an emergency."

S. B. No. 184, A bill to be entitled "An Act leasing to certain persons as trustees for Bee County American Legion Post No. 274, a tract of land for park purposes; providing for the consideration of said lease, and for the establishment and maintenance of said park and the time and manner in which

said park may be taken over by the State; providing for the execution of said lease; and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

By Mr. Rogers:

H. B. No. 208, A bill to be entitled "An Act making an appropriation for the benefit of James School District No. 52, in Shelby county, Texas, on account of recent destruction of the school property in said district; directing the expenditure of said money, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Hines, Mr. Hubbard, Mr. Harper and Mr. Simmons:

H. B. No. 209, A bill to be entitled "An Act amending Chapter 208, page 449, of the Acts of the Regular Session of the Forty-first Legislature, providing for open season on squirrels in certain counties," etc.

Referred to Committee on Game and Fisheries.

HOUSE BILL NO. 95 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 95, relative to motor vehicles, on its passage to engrossment.

Mr. Metcalfe offered the following amendment to the bill:

Amend Section 7a of House bill No. 95 by adding after the word "vehicle" in line 30, on page 3, the following: "The limitations as to the numbers of vehicles which may be drawn by another motor vehicle shall not apply to implements of husbandry and highway building machinery."

The amendment was adopted.

Mr. Pope of Jones offered the following amendment to the bill:

Amend House bill No. 95, page 4, line 11, by changing "fifty" to "forty."

On motion of Mr. Beck, the amendment was tabled.

Mr. Finlay offered the following amendment to the bill:

Amend House bill No. 95, page 7, line 14, by adding after the word "highway" the following: "provided, that such inspectors shall not have the authority at any time to wear or have on or about their persons any firearms or other deadly weapons."

Question—Shall the amendment be adopted?

COMMITTEE OF THE WHOLE HOUSE.

The House, in accordance with action heretofore taken, at 2:10 o'clock p. m., resolved itself into a Committee of the Whole House, Mr. Barron being called to the chair.

(In the Committee of the Whole, Mr. Barron in the chair.)

IN THE HOUSE.

(Mr. Barron in the chair.)

At 8 o'clock p. m., Mr. Barron, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress and ask leave to sit again at 10 o'clock a. m., tomorrow.

The report was adopted.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 191, to the Committee on Public Health.

Senate bill No. 184, to the Committee on Public Lands and Buildings.

Senate bill No. 156, to the Committee on State Affairs.

Senate bill No. 169, to the Committee on Revenue and Taxation.

Senate bill No. 174 to the Committee on Judicial Districts.

Senate bill No. 185, to the Committee on Banks and Banking.

RECESS.

On motion of Mr. Hardy, the House, at 8:10 o'clock p. m., took recess to 9:30 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

Appropriations: Senate bill No. 77.

Claims and Accounts: Senate bill No. 130.

Education: Senate bill No. 155.

Counties: House bills Nos. 186 and 207.

Judicial Districts: Senate bill No. 133.

Labor: Senate bill No. 127.

Public Lands and Buildings: House bill No. 206, Senate bill No. 175.

Public Printing: Senate bill No. 151.

Penitentiaries: Senate bill No. 135.

State Affairs: Senate bill No. 95, House bill No. 205.

THIRTEENTH DAY.

(Continued.)

(Thursday, June 27, 1929.)

The House met at 9:30 o'clock a. m. and was called to order by Speaker Barron.

RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

H. C. R. No. 8, Requesting return of Senate bill No. 49 from the Senate.

INVITATION FROM MRS. DAN MOODY.

The Speaker laid before the House and had read the following invitation:

Executive Mansion,
Austin, Texas.

Mrs. Dan Moody will be delighted to have as her guests the ladies of the Forty-first Legislature for a bridge-tea at the Governor's Mansion on Friday, June 28th, from 4 to 6 p. m. The ladies who do not play are cordially invited to be present for the tea hour, 6 o'clock.

HOUSE BILL NO. 95 ON PASSAGE TO ENGROSSMENT.

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 95, A bill to be entitled "An Act further regulating the operation of vehicles on the public highways; limiting the size and weight of vehicles and loads permitted on any public highway; requiring lights on certain vehicles not heretofore by law required to carry lighting equipment; restricting